

Establishing Legal Authority and Removing Discharges

Lake County Stormwater Management Commission

Deb Caraco

Center for Watershed Protection

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Overview

- Important Components of an IDDE Ordinance
- Roles of the Lake County Watershed Development Ordinance
- Role of other county-wide legislation
- Key considerations for removing discharges.

What does an IDDE Ordinance Need to Do?

- Clearly define and prohibit *illicit discharges*
- Identify *permitted* discharges
- Establish permission to monitor and find discharges
- Require pollution prevention and spill notification
- Outline penalties and administrative processes

Illicit Discharge: Definition

- ▶ A discharge to an MS4 that is **not composed entirely of storm water** except permitted discharges and fire fighting related discharges
- The ordinance will need to outline specific exceptions.

Some Potential Exceptions

- Discharges with an NPDES permit
- Individual car washes
- Car washes with no detergents (e.g., at a car rental or car dealer)
- List of specific fire fighting activities (hydrant flushing, etc.)
- Waterline flushing
- Irrigation water
- Foundation/ footing drains (if not contaminated)
- Others?

Do We Stay with “Discharge to the MS4” or Expand?

- Is the actual stream a part of the MS4?
- If not, how do we regulate direct discharges to the stream system?
- The Watershed Development Ordinance expands the definition to include “Flood Prone Areas” (captures indirect discharges)

Ordinance Grants Access

- Allows regulating authority to access the following:
 - Records (for commercial or industrial facilities)
 - Inspect industrial or commercial facilities for spill prevention activities
 - Enter private property for inspections

Pollution Prevention and Spills

- Require pollution prevention at commercial/ industrial properties.
- Sometimes a trash/ debris requirement for streams passing through a property.
- Requirement of spill notification and timeline.

Penalties/ Consequences

- “MS4 Access” taken away
- Fines/ administrative fees
- Criminal prosecution
- Ordinance identifies a process for implementing penalties and issuing notices of violation.

Legal Authority: Getting them Fixed

Key Elements of Success:

- Well defined legal authority
- Strong Enforcement
- Follow-up measures

Four Questions:

- Who is responsible?
- Methods to fix?
- How long should it take?
- How is removal or correction confirmed?

Who is responsible?

The property owner or municipality/utility? ...

Generally, if illicit discharge from -

- Internal plumbing connection ► property owner
- Service lateral cross-connection ► property owner
- Infrastructure failure w/in sanitary sewer or MS4 ► municipality/utility
- Transitory discharge ► property owner

Who is Responsible: Programmatic Considerations

- Any assistance for low income residents?
- For high cost repairs, can the community offer a low cost loan?
- Other options?

Who Should Fix It?

- ▶ Varies depending on type and location.
 - ▶ Develop a pre-approved list of certified/licensed contractors.
 - ▶ Use in-house contractors/staff to repair as part of routine maintenance activities.



How long should it take?

Varies depending on type and location – though local ordinance should provide time frame for removing discharge and repairing.

Generally –

- If illicit discharge is significant health or environmental threat ⇒ fix immediately
- After notification by municipality
 - ⇒ Stop discharge w/in 7 days
 - ⇒ Repair w/in 30 days

How is removal or correction confirmed?

- ▶ At source
- ▶ Downstream (sampling or sand bagging to ensure only local discharge present)
- ▶ Dye testing if internal plumbing or lateral connection

How Much Should Repairs Cost?

From Table 65 of the IDDE Manual (2000)

Repair	Typical Cost
Service Lateral Disconnection	\$2,500
Sewer Line Cleaning	\$1/Linear Foot
Excavation and Replacement	\$50-\$100/lf for 14" line
Manhole Repair	\$250 - \$2000
Corrosion Coating	<\$10/lf
Grouting	\$36-\$54/lf for 12" pipe
Slip Lining	\$50-\$75/lf for 12" pipe

How do Local IDDE Ordinance Relate to County-Wide Ordinances?

- The Watershed Development Ordinance
 - Regulates discharges *during the construction process*
- The County Health Code
 - Regulates nuisances
 - Regulates threats to public health including public waters

Q/A

